

Libya, NATO, and International Law

By David McReynolds

The original UN resolution, pressed for by France, Great Britain, and the US (all three led by men who have never been in armed combat) was to use such force as was needed to protect the civilian population. It was explicit that the NATO operation was not designed to force a regime change - though Obama has since made it clear that in his view Gaddafi must leave.

The events in Libya are tragic because they are a civil war, not part of the North African Spring. Far more violence has been used in Syria, with no word of NATO intervention. At last report Saudi Arabia had over a thousand troops "on loan" to Bahrain, with no hint of NATO intervention. What makes Libya different? It has oil.

I'm not writing a brief for or against Gaddafi. I am saying that NATO has violated the UN Resolution, that it should cease combat, and accept any of several offers put forward by other countries for an immediate cease fire. In particular the use of air attacks in a transparent effort to murder Gaddafi is completely indefensible.

But it is NATO which I want to look at first, and this carries us back to the early days of the Cold War. There have been books written on the origins of the Cold War but we have time only for a sketch. When WW II ended in 1945, it was won, in Europe, by the extraordinary losses of life by the Soviet Union. From the Western side there was a fear of the masses of Soviet troops and tanks and, the reality of the mass Communist Parties in France and Italy. The Soviet theory, at that time, not to be revised until Khrushchev became the Soviet leader, was that conflict (and by this one assumed war) between capitalism and communism was inevitable. The one ace in the hole of the West was the nuclear bomb, and the speed with which the US surrounded the Soviet Union with air bases which would make possible nuclear strikes deep in Soviet territory.

From the Soviet side, their massed troops were exhausted, their over-extended lines of communication made any serious attack on the West impossible. What the Soviet did want - which would have been true of any government in Moscow, regardless of its politics - was a buffer zone between Russia and Western Europe. Russia has no natural defenses, no oceans, no rivers, no mountains. It had suffered from the Napoleonic invasion in the 19th century and from two German invasions in the 20th century. The Soviets at first sought to gain this security through getting US and British agreement to a neutral Germany, along the lines that had been worked out with Austria and Finland. But in the climate of 1948, the Soviets took control of Czechoslovakia, bringing it into the East European Bloc. The same year saw a raw testing of nerves, when the Soviet Union cut off the land route from West Germany into Berlin, and the West responded with the Berlin Airlift.

Western Europe, essentially under the control of the US (though a much gentler control than Eastern Europe faced from Moscow) responded to events in Czechoslovakia, and the Berlin crisis by establishing the North Atlantic Treaty Organization - a military defensive shield. That was in 1949.

The Soviets established the Warsaw Pact in 1955, several years after the founding of NATO. The Soviets had waited, still hoping for some kind of de-militarization of Germany. That hope ended when West German military forces were admitted to NATO in 1954.

In theory (and in the eyes of almost everyone in Europe), the two military pacts were "defensive pacts". But it was Professor Johan Galtung, a Norwegian academic (and pacifist - who served time in prison rather than doing military service) who advanced a theory I think proved more accurate. Galtung felt that the NATO and WARSAW Pacts were never intended to protect from outside forces (the West realized Moscow was in no position to send forces into Western Europe, while NATO knew that massive public opposition would make it impossible to invade the Warsaw Bloc). Rather, Prof. Galtung suggested, the two pacts were designed for "vertical control".

If one goes back to that period there is a great deal of evidence of plans by the US, and by the military and police forces in France and Italy to prevent even a free election of the Communist Parties in those countries and to use NATO forces to achieve this - "vertical control".

Looking to the East the examples abound. On June 17, 1953, there was a major workers' uprising in East German, put down with Soviet military forces, with at least 125 killed. In Poznan, Poland, 1956 there were substantial working class riots, put down with Soviet forces, with something close to 200 people killed. Finally, and most dramatically, in Hungary, in October of 1956, there was a revolution which overthrew the government. The Soviets at first agreed to withdraw and permit the formation of a new government, but then sent in troops. It is estimated at least 700 Soviet troops and 2500 Hungarians were killed. (Matters were not helped by the fact that in October, when the world should have been focused on Hungary, France, Britain, and Israel invaded Egypt in a failed effort to seize control of the Suez Canal from Nassar. A lesson reminding us that workers should never look to imperial powers for help at a time of need!).

It was at this moment when, if more rational minds were in control in the West, the leaders of NATO would have put through a call to Moscow, saying "it is obvious the Warsaw Pact can't possibly attack us - you can't even control the countries in your own bloc. We are unilaterally dissolving NATO and we urge you to join us, and together see if we can work out plans for genuine demilitarization of Europe".

But rational minds were not in control. Even when the Soviet Union itself collapsed in a series of remarkable nonviolent revolutions, the West did not say "We don't need NATO now - the Warsaw Pact has dissolved, and our only excuse for existing dissolved with it."

No, the "realistic" political minds in Washington, Paris, London and Bonn began to talk of finding new functions for NATO, admitting the nations that had been under Soviet control, and pushing the Western military machine closer to Russia's borders. Part of this is the fulfillment of the sociological law that no organization goes quietly into the night. When the March of Dimes realized the fight against polio had been won, it didn't dissolve - why dissolve when so many people had jobs? The March of Dimes simply found a new disease. NATO provides all kind of jobs for Generals and for ordinary bureaucrats in Brussels. To dissolve NATO might threaten the

survival of Brussels itself.

So NATO found new purposes. It deployed military forces to Afghanistan! A most remarkable deployment, since not one of the countries in NATO (with the exception of an ill-fated earlier British adventure) had even been to Afghanistan. A new war! A new purpose! No generals needed to find honest work. The bureaucrats at Brussels were safe!

So in this sense it is not surprising that NATO, finding itself locked out of events in North Africa, not invited to play a key role in Tunisia or Egypt or Bahrain, decided it could play a role in Libya, - and at least Libya had oil!

My first point has been NATO - an organization which probably should never have been formed, and which was formed entirely in response to tensions in the middle of the 20-th century should be dissolved now. It should have been dissolved long ago. "Out of NATO" should be the slogan of every socialist and peace groups in Europe.

The second point is international law, which has surfaced since the European courts issued a writ for the arrest of Gaddafi. I do not know if Gaddafi qualifies for the writ - there is much that I don't know. But I do know that former British Minister Tony Blair qualifies for such a writ far more than Gaddafi, and so does George Bush, former President of the United States. I write this not because I have a special dislike for Blair or Bush but because the force of law must be dressed in a certain element of fashionable logic.

I am certainly delighted that in Cambodia four of the leaders of the Khmer Rouge have been placed on trial but there is lacking, in the case of Cambodia, a necessary element of logic. All those who have followed the crimes and tragedies of Cambodia know that the Khmer Rouge had the full support of China and the United States long after the last of Khmer Rouge armies had been driven from the cities by the forces of Vietnam (which in this case were responding to the still strange but serious military attacks on Vietnam by the armies of Pol Pot). Scholars know that it was the United States which had the CIA install Lon Nol as dictator of Cambodia, forcing the king into exile. And those scholars know that it was the terrible waves of carpet bombing of American bombers that radicalized the Khmer Rouge and helped insure their victory.

I am very glad some of the surviving leaders of the Khmer Rouge are being brought to trial. But while Nixon is gone, Henry Kissinger still makes appearances on American television and can be seen in public. Surely simply courtesy - and the majesty of the law - requires that some writ be served on him, so that he, too, may have his day in court. Cambodia deserves no less. I have been to Cambodia. I seen the torture chambers and the death pits, the skulls with bullet holes. I want justice. If in Cambodia we have only four Cambodians on trial, none of their American and Chinese backers, we are mocking the dead and, in the process, mocking the concept of international law.

And if, with the memory of Iraq on our minds, and knowing all that we know about it, knowing all the civilians in Iraq who were killed, all our own men and women who were killed, or who bear injuries that will twist their minds to the last nightmares of their final days, if we bring a

writ only against Gaddafi is this not to turn international law on its head?

Turning to Libya. To admit I do not know enough about Libya, is not to say I know nothing about it. Sheila Cooper, a friend of mine and a woman who liked secretarial work, had been secretary to Peggy Duff, also a good friend, and a leader in the British (and international) peace movement. Of Peggy, Noam Chomsky said she was "one of those heroes who is completely unknown, because she did too much . . . she should have won the Nobel Peace Prize about twenty times". When Peggy died in 1981, Sheila took a secretarial job in Libya. The pay was good and she hoped to make enough to retire. I was in touch with her about Libya, she never conveyed a sense of living in a dictatorship, she chatted about the differences among the Libyans depending on what part of Libya they were from. Sheila, sadly, died of cancer before her retirement, but on the one occasion when I visited her in London, while she was on leave, she expressed no horror or dismay about Libya.

Most of us who are old enough to remember World War II know of Libya from the Allied or Nazi tank battles across the desert, or from an old Humphrey Bogart film set in Libya. What we don't know is that the Nazis, Italians, British and American armies left vast numbers of land mines behind, but never gave the Libyans the maps which could make possible finding the mines. As a result even when I visited Libya in 1989 there were still farmers being blown up somewhere in Libya almost every week.

Nor do most of us have any idea of the patriotic struggle of the Libyans against Italy. The Libya we know today came into being in 1969, when Muammar Gaddafi took power in a coup, overthrowing the monarchy. Already oil had been discovered and Libya, which had not held much interest for other countries (the exception would be the US, which had a major air force base at Wheelus, Libya), was suddenly very much "on the map of world politics". (This was not the first contact the US had with Libya - the first US foreign military action was in 1805 in Tripoli against the "Barbary Pirates").

One of the first things Gaddafi did was to expel the US from Wheelus - something for which I don't think the US has ever forgiven him. Libya, under Gaddafi, entered world politics in ways that are confusing. I have a good friend who thinks he is insane. Certainly, with his strange ways of dressing, it is obvious he is not your ordinary political leader. He holds no title, and while he is considered a dictator by his opponents, I think our problem is trying to find some way to think about Libya and Gaddafi - and it is hard. Shortly after taking power he changed the name of Libya to "Jamahiriya", an Arabic term generally translated as "state of the masses". Gaddafi did not line up, politically, with either the Soviet Union or the Peoples Republic of China. Instead, he wrote the Green Book, of which I had a copy at one time but found incomprehensible and have (I think) lost it.

Remember, he was only 26 when he took power, he found himself in charge of a country which had, almost overnight, moved from being one of the poorest to being one of the most wealthy. He used that wealth to build universities, housing, medical centers. The form of government was - in theory - to be based on "direct democracy" without any political parties, governed through local popular councils named "Basic People's Congresses".

Clearly he had to have had considerable charisma to hold things together, and he seems to have hoped that his views, as set forth in his Green Book, would be a guide to the third world. The best we can do in trying to translate "Jamahiriya" into English is to say it can be rendered as "Great Socialist People's Libyan Arab Jamahiriya". And that really leaves us more confused than before!

Gaddafi's foreign policy is, at best, erratic. He has extended financial aid to a wide range of groups, acted as a friend to people such as Idi Amin, given aid to the Irish Republican Army, supported armed Islamic rebels in the Philippines, etc.

At some point in the early 1980's (I don't have exact notes) I got an invitation to a conference on Peace and Liberation to be held at Malta. I checked with my friend Sheila Cooper, and she said the Libyans had asked her for any names that she could think of - and she had sort of turned over her address book. In addition to myself and Daniel Ellsberg, there was an old friend from the independent left movement in Japan, a woman from Yugoslavia, two people from the Fellowship of Reconciliation in the US - perhaps two dozen in all, including two from the armed Islamic wing in the Philippines.

My guess that Libyan money was behind it was true enough - we had to raise the air fare to get to Rome, but from there we had tickets to Malta, and our costs in Malta were covered. The one real give away was the huge table in the Hotel lobby - covered with copies of the Green Book. There were only four or five Libyans present for the conference. They did not guide us to any conclusions. I was fascinated that there were no representatives from the World Peace Council - the Soviet Union's peace front. It seemed clear this was an effort to reach out beyond the usual groups Libya had contact with. At least one had to concede the money spent on us was not spent on Irish terrorists.

In 1989 the Fellowship of Reconciliation sent a team, including myself, Virginia Baron, an academic - Dirk Vandewalle - and a half dozen others for a week to take a look at Libya. Having Prof. Vandewalle with us was very helpful, as he could give us what clearly Obama needs and doesn't have - a short course in the history of Libya. We did not meet Gaddafi, but we met with pretty much all the key people in government. But even to say that is tricky. I realize much has changed since 1989, but there were no civil associations as we would know them, no trade unions, no lawyers associations, no political parties. The question of "how" decisions were made was not clear.

None of us found the political climate oppressive. Our hosts were frank and easy in their talks with us, we visited Tripoli without any "minders", and had a chance to see some of the real wonders of the ancient history of Libya. Of course we saw the home of Gaddafi, which was hit on orders from Reagan, in revenge for Libya's alleged involvement in a bombing in Berlin. (Proof of that involvement is sketchy - but the impact of the US bombing was very clear. Not only had one of his daughters been killed, but we saw a part of the French Embassy which had been hit, and an apartment building in a clearly residential neighborhood which had been totally destroyed, along with everyone in it).

The only contact I've had since was indirect. Someone I had been in email contact - an American, had gone to Libya recently for a job, and when the "troubles" began earlier this year, she had to leave. But her notes to me after she left expressed no sense of horror at Gaddafi, nor any great love for him. She said he probably had a fair amount of popular support - adding that after all even Richard Nixon won two free elections.

The most painful link to Libya was the Lockerbie bombing, since two good friends of mine lost their daughter - an only child - who was on the plane when it was destroyed. There are arguments about whether the Lockerbie bombing was actually the responsibility of Libya, but the hard fact is that Libya - along Saudi Arabia, Syria, etc., had been the source of funds for terrorism (or, if you look at it from the Libyan point of view, the source of funds for various national liberation struggles). There is no question Libya had, on at least one occasion, sent out hit squads to silence Libyans in exile who were openly critical of Gaddafi. One does need to remember that the late Soviet Union did the same thing, Israel has done this, and I'm afraid the US has also had a hand in this miserable game.

What is interesting is that in recent years Libya seemed to have made a major change in policy, settling British claims over the Lockerbie bombing, ending further research into nuclear or other weapons of mass destruction. It is this most recent period that I know so little about - but how strange that Gaddafi and Libya would now have moved to the top of a hit list. (Perhaps it will be a warning to nations that are considering developing nuclear bombs, that they may not want to end those explorations - look at Libya!).

Two things are clear. This is not a revolution but a Civil War. I don't know what forces are involved among the "rebels" but how little real support they have is shown by the fact that months after the French, British, and Americans have destroyed any Libyan air force, and after the murder of one of Gaddafi sons, and repeated attacks on his various compounds, Gaddafi is still there, he had been seen in public, he has received foreign guests, and Tripoli remains in his hands. It is not surprising that various officials have "defected" since I think any of us might consider defecting as we realized guided missiles are being sent to track down key officials. This is less an appeal to a moral reason to leave the government, than an urgent sense of survival.

The other thing which is clear is that the rebels have also killed people. In one case (documented from press reports) the rebels admitted to having killed a number of prisoners of war they had captured "because they were black and we assumed they were hired killers". And, of course, a significant number of civilians have been hit by NATO bombs gone astray, by ships of Libyan refugees sinking.

Civil wars are very nasty things. We lost more men in our Civil War than were killed in all of the Spanish American War, World War I, World War II, and the Korean War. Only with Vietnam did our total of dead finally reach the number killed in our Civil War.

This war is tragic. We should be urging European forces to rush to the negotiating table and accept an immediate cease fire.

Certainly the Libyan adventure is one very good reason not to leave NATO in existence - it is a weapon that has already killed many in Afghanistan and may yet kill many more in Libya.